

IC 20-20-5

Chapter 5. Textbook Adoption

IC 20-20-5-1

Adoption of textbooks; contracts

Sec. 1. (a) Subject to section 3 of this chapter, the state board shall adopt textbooks and enter into contracts with publishers to furnish the textbooks at fixed prices.

(b) For each subject for which credit is given in the public schools and for each grade, the state board shall adopt as many textbooks as the state board finds satisfactory.

(c) In addition to adopting textbooks under this chapter, the state board may recommend to school corporations as many as seven (7) textbooks from the list of adopted textbooks that the state board finds most satisfactory.

(d) The state board shall make regular adoptions and enter into contracts each year for every subject in one (1) subject classification under section 6 of this chapter. The term of a contract is six (6) years.

(e) The state board in a call for bids may exempt a certain textbook category or categories in nonrequired subject matter areas from being bid.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-2

Continued use of textbook after expiration of textbook's adoption

Sec. 2. (a) If:

(1) a textbook was:

(A) adopted by the state board at the state board's last regular adoption of textbooks for that subject; or

(B) adopted by the state board under section 7 or 8 of this chapter within the last six (6) years; and

(2) the publisher does not submit a bid proposal for that textbook at the next regular adoption of textbooks for that subject;

a school corporation may continue to use that textbook unless the state board finds that the textbook is no longer satisfactory.

(b) This section does not require a publisher to submit a bid or enter into a contract for the continued sale of a textbook.

(c) A textbook whose continued use is authorized by this section may be used for a maximum of six (6) years after the expiration of the textbook's original adoption.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-3

Textbooks eligible for adoption

Sec. 3. The state board may adopt only textbooks that:

(1) have been recommended by the advisory committee on textbook adoption established by IC 20-19-2-3; or

(2) are approved by seven (7) members of the board.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-4

Priority for textbooks at appropriate reading level

Sec. 4. In adopting textbooks, the state board shall give priority to textbooks written at a reading level appropriate to the grade for which the textbooks will be used.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-5

Classification of subjects

Sec. 5. (a) The following classifications encompass all subjects in all grades of the public schools for which credit is given:

- (1) Language arts/English, spelling, and literature.
- (2) Social studies.
- (3) Mathematics.
- (4) Science and health education.
- (5) Miscellaneous.
- (6) Language arts/reading and handwriting.
- (7) Foreign languages.

(b) If the classification for a textbook subject is unclear, the classification shall be determined by the rules of the state board.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-6

Schedule for adoption

Sec. 6. (a) In 2008 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of social studies.

(b) In 2009 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of mathematics.

(c) In 2010 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of science and health education.

(d) In 2005 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of miscellaneous.

(e) In 2006 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of language arts/reading and handwriting.

(f) In 2007 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the following classifications:

- (1) Language arts/English, spelling, and literature.
- (2) Foreign languages.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-7

Additional adoptions

Sec. 7. (a) The state board may make additional adoptions as new textbooks become available or as waivers are granted under IC 20-26-12-28.

(b) A contract for a textbook that was adopted after a regular adoption expires at the same time as a contract that was entered into at a regular adoption of textbooks in the subject in which the textbook is classified under section 5 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-8

New subjects

Sec. 8. If a new subject is to be taught in any grade, the state board shall, at its next adoption meeting, adopt and contract for textbooks for that subject and grade. A contract entered into under this section may extend only for the period required for its expiration to coincide with the expiration of contracts for textbooks for other subjects in the same classification.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-9

Solicitation of comments

Sec. 9. The state board shall hold a public hearing each year before establishing adoption categories for an adoption year to solicit comments from the public about the determination of adoption categories and the evaluation and selection of textbook materials submitted in the categories.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-10

Public inspection

Sec. 10. (a) The state superintendent shall issue a press release to the news media about the availability of the textbooks submitted for adoption for public inspection. The press release must:

- (1) state the dates, times, and places where the textbooks will be available for inspection; and
- (2) encourage the public to inspect the submitted textbooks and submit written comments to the state board.

The state superintendent shall mail the press release to the superintendent of each school corporation to make available to interested citizens.

(b) The state board shall make the textbooks submitted for adoption available for public inspection during regular business hours for at least six (6) weeks, beginning on or before September 15 of each year, at a textbook review center in each of the nine (9) education service center regions established by the state board under IC 20-20-1.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-11

Public testimony

Sec. 11. The state board shall conduct public hearings as often as necessary to receive and consider public testimony concerning the submitted textbooks before making a final adoption.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-12

Notice of meeting

Sec. 12. Thirty (30) days before a meeting to adopt textbooks and contracts, the state board shall publish a notice of the meeting in two (2) daily newspapers, each of which:

- (1) has paid circulation of at least eighty-five thousand (85,000); and
- (2) is published in Indiana.

The notice must include a complete list of all subjects and grades for which textbooks are to be adopted at the meeting.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-13

Submission of bids

Sec. 13. The state board shall accept sealed bids from publishers who submit textbooks for adoption under this chapter. A bid must state the exact price at which the publisher furnishes each textbook. Specimen copies of every submitted textbook and an affidavit that states the following must accompany each bid:

- (1) The publisher is not connected with any other publisher bidding at the same time.
- (2) The publisher does not have a pecuniary interest in any other publisher bidding at the same time.
- (3) The publisher is not a party to any agreement that would deny the benefits of competition to the people of Indiana.

If a submitted textbook is a revised version of a previously adopted textbook, the bidder shall state that fact in the affidavit and shall indicate if the revised version varies substantively from the previously adopted version.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-14

Power to reject bids

Sec. 14. The state board may reject one (1) or more bids. When a bid proposes more than one (1) textbook, the state board may accept the bid in part or in whole.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-15

Evaluation of textbooks

Sec. 15. (a) The state board shall evaluate all textbooks submitted for approval based on the following criteria:

- (1) Amount and quality of material in the textbook.
- (2) Correlation between the subject matter of the textbook and the description adopted by the state board.

- (3) Style of binding.
- (4) Mechanical execution of the textbook.
- (5) Price.

(b) The state board shall select educators and other individuals to serve as textbook evaluators.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-16

Restriction on textbook content

Sec. 16. The state board may not approve a textbook that contains anything of a partisan or sectarian character.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-17

Competitive bidding required

Sec. 17. The letting of contracts for textbooks shall be competitive. A person may bid to furnish any textbook regardless of whether the textbook is used in Indiana schools at the time of bidding.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-18

Notification of adopted books

Sec. 18. The state superintendent shall notify the governing bodies of all school corporations of all textbook adoptions immediately after adoption.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-19

Publisher's bond

Sec. 19. A publisher that has a textbook adopted must post a five thousand dollar (\$5,000) bond to the acceptance and satisfaction of the governor. The bond must be conditioned on the publisher's adequately and properly furnishing all adopted textbooks in the manner prescribed by the state board and at the quoted prices. If a publisher fails to adequately and properly furnish an adopted textbook, the state board may cancel the adoption of the textbook.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-20

Contracts; general terms

Sec. 20. (a) The state board and publishers of adopted textbooks shall enter into contracts approved by the attorney general. A contract must specify terms, specifications, price, and other necessary matters. If a publisher of an adopted textbook sells the same book elsewhere at a lower price than in Indiana, the publisher shall make that lower price apply to all subsequent sales in Indiana. On refusal by a publisher to make this lower price available, the governor shall investigate to verify that the publisher is selling the same book at a lower price and under similar conditions elsewhere

than in Indiana. If the governor's investigation verifies that such a sale has occurred, the governor shall cancel the adoption of the textbook involved.

(b) A contract entered into under this chapter must provide that the publisher agrees to grant a license to the state board to allow for the reproduction of adopted textbooks in:

- (1) large type;
- (2) braille; and
- (3) an audio format.

(c) Subject to subsection (e), a contract entered into under this chapter for a textbook must require a publisher to furnish, not more than sixty (60) days after a request is submitted by the board to the publisher, electronic formats for literary subject areas in:

- (1) the American Standard Code of Information Interchange (or ASCII); or
- (2) other electronic formats as determined by the board;

from which braille versions of the textbooks can be produced.

(d) Subject to subsection (e), if braille specialty code translation computer software is available, each contract under this chapter must require that a publisher furnish electronic formats in:

- (1) the American Standard Code of Information Interchange (ASCII); or
- (2) other electronic formats as determined by the board;

for nonliterary subjects as determined by the board in areas such as natural and computer science, mathematics, and music.

(e) The board may waive the requirements described in subsections (c) and (d) if a publisher:

- (1) offers a braille version of a specific textbook title as a commercial product;
- (2) offers the braille version described in subdivision (1) at a price that does not exceed standard braille costs; and
- (3) agrees to deliver the braille textbook not more than forty-five (45) days after the board submits a request to the publisher in this regard.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-21

Contracts; effective date

Sec. 21. Adoptions and contracts made under this chapter become effective on July 1 of the year following the year in which the contract or adoption was made.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-22

Contracts; state not liable

Sec. 22. A contract made under this chapter must provide that:

- (1) the state is not liable to a contracting publisher for any sum; and
- (2) the publisher receives compensation solely from the sale of textbooks under IC 20-26-12.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-23

Contracts; payment terms

Sec. 23. (a) A textbook contract made under this chapter must provide that the contracting publisher may agree to furnish a sufficient number of textbooks selected under IC 20-26-12-24 to:

- (1) a requesting school corporation; or
- (2) one (1) or more dealers designated by a requesting school corporation.

(b) A contract described in subsection (a) must contain the following terms:

- (1) Textbooks paid for in cash within sixty (60) days after delivery must be furnished at the net wholesale price of the textbooks plus transportation costs.
- (2) Textbooks purchased on a time basis must be furnished at the net wholesale price plus transportation costs plus interest on the unpaid balance, subject to any restrictions in this chapter on time basis purchases.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-24

Conflict of interest

Sec. 24. A member of the state board or the advisory committee on textbook adoption established by IC 20-19-2-3 shall disclose any financial interest that the member has in any textbook considered for adoption.

As added by P.L.1-2005, SEC.4.

IC 20-20-5-25

Rules

Sec. 25. The state board may adopt rules under IC 4-22-2 to assist in the administration of this chapter.

As added by P.L.1-2005, SEC.4.